MOTION TO DISPENSE WITH PRINTING AND SERVICE OF THE RECORD

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM

ABRAHAM JESKOWITZ,
Petitioner,

against

LEONARD H. CARTER, as Trustee in Bankruptcy of UNION FABRICS, INC.

Counsel for petitioner in this case files herewith his petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit, accompanied by a copy of the original papers constituting the record of the proceedings in the case in the District Court, and before the Referee, together with the record of the proceedings in the Circuit Court of Appeals, duly certified by the Clerk of the Circuit Court of Appeals.

1. The nature of this case and the questions presented by the petition for a writ of certiorari has been set forth in the foregoing petition for the writ of certiorari.

2. Petitioner seeks to be relieved of the printing of the record of the proceedings before the Referee, the District Court, and to have this application for a writ considered, and for leave to proceed upon the typewritten record.

The record consists of approximately 600 pages. Petitioner has received an estimate that it would cost at least $750 to print the record of the proceedings. Petitioner, before the Circuit Court of Appeals on his application,

was allowed to proceed with the appeal upon a typewritten record, for the reason that he did not have sufficient funds to pay for the printing of the record, and did not have funds during a great portion of the proceedings to retain counsel to represent him, and found himself in a position to conduct his own defense to the turnover proceedings. Petitioner does not now have $750 with which to pay for the printing of the record, and has no means of obtaining such fund. Petitioner will have difficulty in raising the moneys in order to print the application for the writ of certiorari, the briefs on appeal if same are allowed, and the necessary clerk's deposit for the consideration of the application for a writ.

In these circumstances, it is impossible because of the expense involved, to comply with the requirements of this Court with respect to the filing of a certified printed copy record of the proceedings in the case, and in lieu thereof petitioner has filed the certified typewritten copy of the proceedings before the Referee, the District Court and the Circuit Court of Appeals.

WHEREFORE, it is prayed

(a) That the Court rule that the accompanying petition for a writ of certiorari is properly filed upon the record consisting of a copy of the original papers before the Referee, the District Court and a certified copy of the record of proceedings in the Circuit Court of Appeals now on file in this Court.

(b) That it rule that the service which petitioner is now making upon the respondent of copies of this motion, the petition for writ of certiorari herein constitutes sufficient compliance with the rules of this Court.

Respectfully submitted,

ARCHIBALD PALMER,
Attorney for Abraham Jeskowitz,
Petitioner.

November, 1944.